



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

February 17, 2023

Re: FOIA Request NLRB-2023-000435

Dear Mr. Patrick Doyle (Columbia University):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on December 5, 2022, in which you seek any position statements and documentary evidence submitted by the charging party in *Radical Media, Inc.*, Case Nos. 02-CA-262236, 29-CA-275042, 31-CB-201581, 31-CB-192727, 31-RC-008642 and 31-CA-183596. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on December 5, 2022. In an email to a member of the FOIA staff on February 14, 2023, you modified your request to exclude any exhibits from the position statements.

Your request is granted in part and denied in part, as explained below.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has located the requested records (65 pages) which are attached.

No responsive position statements or documentary evidence submitted by the charging party were found in Case Nos. 31-CB-192727, 31-CA-183596 and 31-RC-008642. Specifically, in Case No. 31-RC-008642, pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested case in 31-RC-008642, a further search was made of the list of permanently retained cases maintained by the Agency's Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that the requested case was not selected for permanent retention.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6, 7(A), and 7(C) of the FOIA (5 U.S.C. § 552(b)(6), (b)(7)(A), and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of an individual named in the

records. These redactions were made pursuant to FOIA Exemption 6, which protects personally identifiable information, the release of which would constitute a clearly unwarranted invasion of personal privacy and FOIA Exemption 7(C), which protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C). Additional redactions were made under FOIA Exemption 7(A), which allows an agency to withhold records compiled for law enforcement purposes where disclosure could reasonably be expected to interfere with a pending enforcement proceeding. 5 U.S.C. § 552(b)(7)(A).

For the purpose of assessing fees, we have placed you in Category B, as affiliated with an educational institution that operates a program or programs of scholarly research, NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vi). There is no charge assessed for emailed records.

You may contact Teresita Sanabria, the FOIA Specialist, who processed your request, at (202) 273-4000 or by email at [Teresita.Sanabria@nrlb.gov](mailto:Teresita.Sanabria@nrlb.gov), as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami  
FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nrlb.gov](mailto:FOIAPublicLiaison@nrlb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770

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Toll free: (877) 684-6448

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:  
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [DLCFOIAAppeal@nlrb.gov](mailto:DLCFOIAAppeal@nlrb.gov)

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

*/s/ Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachments: (65 pages)